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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

17 AMERICAN FEDERATION OF
18 GOVERNMENT EMPLOYEES, *et al.*

Plaintiffs.

v.

UNITED STATES OFFICE OF PERSONNEL
MANAGEMENT, *et al.*,

Defendants.

Case No. 3:25-cv-1780-WHA

**DECLARATION OF JACQUELINE CLAY
IN RESPONSE TO THE COURT'S
September 12, 2025, ORDER**

1 I, Jacqueline Clay, declare, pursuant to 28 U.S.C. § 1746, as follows:

2 1. I am the Chief Human Capital Officer of the U.S. Department of Education
3 ("Department"), headquartered in Washington, D.C. I have served in this position since June 19,
4 2022.

5 2. In my role at the Department, I am responsible for personnel management. I have
6 the responsibility for overseeing the human resources enterprise and tracking and recording of
7 personnel actions, including terminations. I assist in ensuring that all personnel actions comply
8 with Federal law, including those related to probationary employees.

9 3. On November 14, 2025, I caused to be sent to all affected probationary employees
10 a corrective notice confirming that prior termination notice was not based on personal
11 performance. A true and correct copy of an example of one such notice is attached hereto as
12 Exhibit A. On November 18, 2025, I caused to be sent to all affected probationary employees a
13 supplemental corrective notice clarifying that employee personnel files had been updated to
14 remove reference to the prior termination. A true and correct copy of an example of one such
15 notice is attached hereto as Exhibit B.

16

17 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
18 and correct.

19
20 Dated: November 20, 2025

21 **JACQUELINE** Digitally signed by
22 **CLAY** JACQUELINE CLAY
23 Date: 2025.11.20 15:52:39
-05'00'
24

25 **JACQUELINE CLAY**
26
27
28

From: CHCO
To: [REDACTED]
Subject: Probationary Employee Update
Date: Friday, November 14, 2025 5:04:11 PM
Attachments: [REDACTED] [ProbationaryNoticeUpdate.pdf](#)

Good afternoon, Please see the attached probationary employee update for your records.
Regards, Jacqueline



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF FINANCE AND OPERATIONS

Dear [REDACTED],

I am writing to inform you that the notice that you received subject *Notification of Termination During Probationary/ Trial Period* regarding your employment with the Department of Education was not issued on the basis of personal performance.

If you have any questions or need further clarification, please do not hesitate to contact CHCO-Info@ed.gov.

Sincerely,

Jacqueline Clay
Jacqueline Clay

Deputy Assistant Secretary
Chief Human Capital Officer



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF FINANCE AND OPERATIONS

November 18, 2025

400 Maryland Ave SW
Washington, DC 20202

[REDACTED]

Dear [REDACTED] :

This corrective notice is provided to you by the U.S. Department of Education (“Department”) pursuant to an order issued on September 12, 2025, by the United States District Court for the Northern District of California in the case *American Federation of Government Employees v. U.S. Office of Personnel Management*, No. 3:25-cv-1780-WHA (N.D. Cal.).

As required by Paragraph 5 of the district court’s order, the Department informs you that you were not terminated on the basis of your personal performance.

As required by Paragraph 3 of that order, the Department informs you that your personnel file, including your SF-50, has been updated to remove reference to the prior termination action.

Sincerely,

JACQUELINE CLAY
CHIEF HUMAN CAPITAL OFFICER